

**REMARKS**

Claims 1-24 were pending in this application.

Claims 1, 2, 7-10, 15-18, 23, and 24 have been rejected.

Claims 3-6, 11-14, and 19-22 have been objected to.

Claims 1, 3, 7-9, 11, 15-17, 19, 23, and 24 have been amended as shown above.

Claim 25 has been added.

Claims 1-25 are now pending in this application.

Reconsideration and full allowance of Claims 1-25 are respectfully requested.

**I. ALLOWABLE CLAIMS**

The Applicants thank the Examiner for the indication that Claims 3-6, 11-14, and 19-22 would be allowable if rewritten in independent form. The Applicants have amended Claims 3, 11, and 19. The Applicants respectfully submit that Claims 3, 11, and 19 are in condition for allowance. The Applicants respectfully request full allowance of Claims 3-6, 11-14, and 19-22.

**II. REJECTION UNDER 35 U.S.C. § 102**

The Office Action rejects Claims 1, 2, 7, 9, 10, 15, 17, 18, and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,624 to Fogg ("*Fogg*"). The Office Action rejects Claims 1, 8, 9, 16, 17, and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,600,839 to Mancuso et al. ("*Mancuso*"). These rejections are respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if

every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

*Fogg* recites an advanced decoder that supports image enhancement and advanced decoding in an integrated manner. (*Abstract*). The decoder includes a bitstream processor 622, a motion vector post-processor (“MVPP”) 801, and a motion tracer 802. (*Col. 13, Lines 4-6*). Motion vectors are provided to the MVPP 801, which stores the motion vectors in a buffer 612. (*Col. 13, Lines 8-11*). The motion tracer 802 uses the motion vectors to identify an “optical pathway” over several video frames. (*Col. 13, Lines 16-19*). The optical pathway may be used to “avoid the creation of perceivable artifacts.” (*Col. 13, Lines 31-35*).

First, this portion of *Fogg* lacks any mention of determining an amount of video enhancement that can be applied “without enhancing coding artifacts” as recited in Claims 1, 9, and 17. This portion of *Fogg* simply recites that an optical pathway is used to “avoid” creating artifacts. This portion of *Fogg* in no way discloses identifying an amount of enhancement that could be performed without enhancing artifacts. As a result, this portion of *Fogg* fails to anticipate generating a metric used to determine an amount of video enhancement that can be applied “without enhancing coding artifacts” as recited in Claims 1, 9, and 17.

Second, this portion of *Fogg* lacks any mention of identifying an “amount” of video enhancement to be applied as recited in Claims 1, 9, and 17. Nothing in this portion of *Fogg*

identifies an “amount” of enhancement to be applied. As a result, this portion of *Fogg* fails to anticipate generating a metric used to determine an “amount of video enhancement” as recited in Claims 1, 9, and 17.

For these reasons, the Office Action fails to show that the cited portions of *Fogg* anticipate the Applicants’ invention as recited in Claims 1, 9, and 17 (and their dependent claims).

*Mancuso* recites a filter that reduces artifacts (such as grid noise and staircase noise) in an image. (*Abstract*). A global metrics extractor 104 receives and analyzes an image. (*Col. 3, Lines 21-24*). For example, the global metrics extractor 104 may use “Sobel-like operators.” (*Col. 3, Lines 24-25*). The Sobel-like operators identify edges in an image. (*Col. 4, Lines 37-55*). The operators are identified using “image attributes, such as amplitudes, edge point locations, textural descriptions, etc.” (*Col. 3, Lines 21-24*).

This portion of *Mancuso* simply recites a mechanism that analyses an image using “Sobel-like operators.” This portion of *Mancuso* lacks any mention of using “coding information” (such as a quantization step size, a macroblock type, or a forward motion vector) to analyze the image. As a result, this portion of *Mancuso* fails to anticipate generating a usefulness metric “using coding information” as recited in Claims 1, 9, and 17.

For these reasons, the Office Action fails to show that the cited portions of *Mancuso* anticipate the Applicants’ invention as recited in Claims 1, 9, and 17 (and their dependent claims).

Accordingly, the Applicants respectfully request withdrawal of the § 102 rejections and

full allowance of Claims 1, 2, 7-10, 15-18, 23, and 24.

**III. NEW CLAIM**

The Applicants have added new Claim 25. The Applicants respectfully submit that no new matter has been added. The Applicants respectfully request entry and full allowance of Claim 25.

**IV. CONCLUSION**

For the reasons given above, the Applicants respectfully request reconsideration and full allowance of all pending claims and that this application be passed to issue.

**SUMMARY**

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.


The Applicants have included the appropriate fee to cover the cost of this AMENDMENT AND RESPONSE. The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: \_\_\_\_\_

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